

Matrix of Agency Authority – Animal Manure/Nutrient Management



	<i>Public Health Nuisance</i>	<i>Routine Facility Inspections & Consultations</i>		<i>Water Quality</i>	<i>Solid Waste Management</i>	<i>Air Quality</i>			
	<i>Animal Excrement (RCW 43.20.050)</i>	<i>Milk Processor License (15.36 RCW)</i>	<i>Dairy Nutrient Management (90.64 RCW)</i>	<i>Water Pollution Control (90.48 & 43.27A RCW)</i>	<i>Solid Waste (RCW 70.95)</i>	<i>Air Quality (70.94 RCW)</i>			
<i>Agencies</i>							<i>Conditions</i>	<i>Direct Enforcement Capability</i>	<i>Exemptions</i>
State Board of Health	●						SBOH may direct LHJs and Department of Health through rules	Health officers may request injunction for public health emergency	Some of existing rule is only applicable to “populous districts”
Local Health Jurisdictions	●						Generally defers to Ecology/WSDA for AFOs/CAFOs.	May conduct enforcement under RCW 70.05.060 & 70.95.160	Generally limits enforcement to “populous districts”
Washington State Department of Health	●						Concern for drinking water protection	May enforce SBOH rules under RCW 43.70.200	
Department of Ecology			If CAFO	●	●	●	AFO considered a CAFO if designated by Ecology	Can apply civil penalty – up to \$10,000 per day	RCW 90.48.450: Ecology must consider the fate of ag land when considering enforcement; RCW 70.95.330: Anaerobic digesters; RCW 7.48.305 & 90.64.030: Ag practices assumed reasonable unless substantial effect on public health; RCW 70.95.306: Composting of bovine and equine carcasses exempt if reported to Ecology
Department of Agriculture		●	●				Has authority for dairies; Registration required for all dairies – only considered a CAFO if designated by Ecology	Inspects dairies; Can enforce record keeping violations – civil penalty up to \$5,000 per day	
Local Clean Air Agencies						●		Restraining orders OR gross misdemeanor with max penalty of \$10,000 OR Class C felony	RCW 70.94.640 - Odors and fugitive dust created by ag activities consistent with good ag practices exempt
Washington Conservation Commission & Conservation Districts			●				Use NRCS standard 590 to evaluate nutrient management plans that determine agronomic application rates	Dairy nutrient management plans must be approved by Local Conservation Districts	NRCS standard 313 for lagoons does not appear to be required by law or rules

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STATE and LOCAL AGENCIES		GLOSSARY	
Washington Department of Agriculture Don R. "Bud" Hover, Director P.O. Box 42560 Olympia, WA 98504-2560 Phone: (360) 902-1800	Website: www.agr.wa.gov	• RCW 7.48.305 - Agricultural activities and forest practices — Presumed reasonable and not a nuisance — Exception — Damages	
Washington Department of Ecology Maia D. Bellon, Director PO Box 47600 Lacey, WA 98504-7600 Phone: (360) 407-6000	Website: www.ecy.wa.gov	• RCW 15.36 – Milk and Milk Products	
Washington State Board of Health Michelle Davis, Executive Director P.O. Box 47990 Olympia, WA 98504-7990 Phone: (360) 236-4106 E-mail: wsboh@sboh.wa.gov	Website: http://www.doh.wa.gov/SBOH	• RCW 43.20 – State Board of Health	
Washington Department of Health John Wiesman, Secretary P.O. Box 47890 Olympia, WA 98504-7890 (360) 236-4030	Website: www.doh.wa.gov	• RCW 43.27A – Water Resources	
Local Health Jurisdictions	Websites: http://www.doh.wa.gov/aboutus/publichealthsystem/localhealthjurisdictions.aspx	• RCW 70.05 - Local Health Departments Boards, Officers -- Regulations	
Washington Conservation Commission Mark Clark, Executive Director P.O. Box 47721 Olympia, WA 98504-7721 (360) 407-6200	Website: http://scc.wa.gov/	• RCW 70.94 - Washington Clean Air Act	
Local Conservation Districts	Websites: http://scc.wa.gov/maps/district-locator-map/	• RCW 70.95 – Solid Waste Management	
Local Clean Air Agencies	Website: http://www.ecy.wa.gov/programs/air/local.html	• RCW 90.48 - Water Pollution Control	
		• RCW 90.64 – Dairy Nutrient Management	
		• WAC 173-200 - Water Quality Standards for Groundwaters of the State of Washington	
		• WAC 173-201A – Water Quality Standards for Surface Waters of the State of Washington	
		• NRCS – Natural Resources Conservation Service	
		• Ag – Agricultural	
		• LHJ – Local Health Jurisdiction	
		• WSDA – Washington State Department of Agriculture	
		• CAFO – Concentrated Animal Feeding Operation	
		• AFO – Animal Feeding Operation	

ENDNOTES

1. The Environmental Protection Agency is not included on this matrix. 40 CFR Part 412, Concentrated Animal Feeding Operations, requires NPDES permit if animal feeding operation (AFO) fits definition of concentrated animal feeding operation (CAFO). However, a 2005 U.S. Court of Appeals for Second Circuit decision found that a NPDES permit is required only if a discharge is documented. Department of Ecology has primacy for enforcing federal Clean Water Act in Washington, but has MOU with Department of Agriculture for dairy nutrient management program.

2. RCW 90.48.030 – Jurisdiction of department. “The department [*Ecology*] shall have the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the State of Washington.”

3. RCW 43.20.050(2)(c) – “Adopt rules to prevent health hazards and nuisances related to disposal of human and animal excreta and animal remains.”

4. RCW 43.70.310 & 43.20.035 – “Where feasible, the department [*Health*] and the state board of health shall consult with the department of ecology in order that, to the fullest extent possible, agencies concerned with the preservation of life and health and agencies concerned with protection of the environment may integrate their efforts and endorse policies in common.”

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